

UNITES STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

2004 MAR -8 PM 5:14

MASSACHUSETTS DEVELOPMENT
FINANCE AGENCY,

Plaintiff/Defendant in
Counterclaim,

v.

ADP MARSHALL, INC., a FLUOR
DANIEL COMPANY,

Defendant/Plaintiff in
Counterclaim,

and

FIREMAN'S FUND INSURANCE
COMPANY,

Defendant,

And

ADP MARSHALL, INC., ,
Third-party Plaintiff,

v.

ALLIED CONSULTING ENGINEERING
SERVICES, INC.,

ANDOVER CONTROLS
CORPORATION,

R&R WINDOW CONTRACTORS, INC.,

and DELTA KEYSpan, INC., n/k/a
DELTA KEYSpan, LLC,

Third-party Defendants.

C.A. No. 04 CV 10203 PBS

**MASSACHUSETTS DEVELOPMENT FINANCE AGENCY'S
PROPOSED PRE-TRIAL SCHEDULE**

Pursuant to L.R. 16.1 and this Court's Notice of Scheduling Conference dated February 3, 2004, Counsel for the Plaintiff and Defendants have conferred and have been unable to reach an agreement. Massachusetts Development Finance Agency ("MDFA") therefore proposes the following pre-trial schedule:

1. INITIAL DISCLOSURES: The parties shall exchange all information required by Fed. R. Civ. P. 26(a)(1) no later than May 31, 2004.

2. DISCLOSURE OF EXPERT TESTIMONY: The parties shall exchange all information as required by Fed. R. Civ. P. 26(a)(2) no later than September 30, 2004.

3. PRE-TRIAL DISCLOSURES: The parties shall exchange all such information required by Fed. R. Civ. P. 26(a)(3) no later than December 31, 2004.

4. DISCOVERY:

- a) Interrogatories: The parties shall be limited to one or more sets of interrogatories numbering no more than thirty (30) in total. All interrogatories shall be served no later than July 15, 2004, and they shall be properly responded to and the responses served on opposing counsel no later than sixty (60) days thereafter.
- b) Depositions: Depositions shall be concluded no later than October 31, 2004.
- c) Document Production: All document production and supplementation thereof shall commence on April 1, 2004 and continue as may be necessary throughout the discovery period, until September 30, 2004. The thirty (30) day time period to respond to document requests, when served prior to April 1, 2004, shall not begin to run until that date.
- d) Site Inspections: Upon reasonable advance notice, at any time between March 15, 2004 and November 15, 2004, Defendant ADP Marshall, Inc. and each Third-Party Defendant shall be afforded the opportunity to conduct at least two (2) inspections of the subject premises to evaluate Plaintiff's claims.
- e) Pre-trial Motions: All pre-trial motions and motions for summary judgment shall be filed by January 31, 2005.

Respectfully submitted,
Massachusetts Development Finance Agency,
By its attorney,

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DATED: March 8, 2004

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2004 a true and accurate copy of the herein document was served by hand on the attorney of record for each other party.

Edward F. Vena
Edward F. Vena *sep*